

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Southern District of New York

GREAT WESTERN INSURANCE COMPANY

*Plaintiff(s)*

v.

MARK GRAHAM, ET AL.,

*Defendant(s)*

Civil Action No. 18-cv-06249-VSB

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PLEASE SEE RIDER ATTACHED

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Steven M. Bierman  
Michael P. Morrissey  
SIDLEY AUSTIN LLP  
787 Seventh Avenue  
New York, New York 1001

Gerard D. Kelly  
Stephen W. McInerney  
SIDLEY AUSTIN LLP  
1 South Dearborn  
Chicago, Illinois 60608

Nicholas K. Lagemann  
Mcelroy, Deutsch,  
Mulvaney & Carpenter LLP  
225 Liberty Street, 36th Fl  
New York, New York 10281

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 12/20/2018

/s/ P. Canales

*Signature of Clerk or Deputy Clerk*

Civil Action No. 18-cv-06249-VSB

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**RIDER**

1. **Advantage Capital Holdings, LLC**  
49 W 23rd Street, 8th Floor  
New York, NY 10010
2. **Dan Cathcart**  
c/o Advantage Capital Holdings, LLC  
49 W 23rd Street, 8th Floor  
New York, NY 10010
3. **Kenneth King**  
c/o Advantage Capital Holdings, LLC  
49 W 23rd Street, 8th Floor  
New York, NY 10010